



FILING BY "EXPRESS MAIL" UNDER 37 CFR 1.10

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Express Mail Label NumberFebruary 9, 2004  
Date of Deposit

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

Art Unit: 1624

DWORETZKY ET AL.

Examiner: Dr. Thomas C. McKenzie

APPLICATION NO: 10/075,703

FILED: FEBRUARY 14, 2002

FOR: MODULATORS OF KCNQ POTASSIUM CHANNELS AND USE  
THEREOF IN TREATING MIGRAINE AND MECHANISTICALLY  
RELATED DISEASECommissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450TERMINAL DISCLAIMER

Sir:

Bristol-Myers Squibb Company, a Delaware corporation, having a place of business at Lawrenceville-Princeton Road, Princeton, NJ 08543-4000, represents that it is the assignee and owner of the entire interest in the above-identified application by virtue of an assignment which was recorded in the United States Patent and Trademark Office on April 15, 2002 at Reel/Frame 012827/0648.

Bristol-Myers Squibb Company hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application which would extend beyond the expiration date of the full statutory term defined in 35 USC §154-156 and §173, as presently shortened by any terminal disclaimer, of prior **Patent No. 6,469,042** issued October 22, 2002. Said Patent No. 6,469,042 is also assigned to Bristol-Myers Squibb Company by virtue of an assignment which was recorded in the United States Patent and Trademark Office on April 22, 2002 at Reel/Frame 012823/0822.

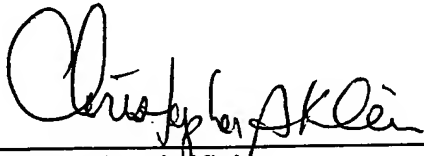
Bristol-Myers Squibb Company hereby agrees that any patent granted on the above-identified application shall be enforceable only for and during such period that it and prior Patent No. 6,469,042 are commonly owned. This agreement runs with any patent granted on the above-identified application and is binding upon the grantee, its successors or assigns.

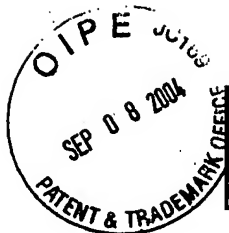
In making the above disclaimer, Bristol-Myers Squibb Company does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the expiration date of the full statutory term as defined in 35 USC §154-156 and §173 of prior Patent No. 6,469,042, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

A terminal disclaimer fee under 37 CFR §1.20(d) is included.

Signed this 9<sup>th</sup> day of February, 2004 by the undersigned attorney of record.

Bristol-Myers Squibb Company  
Patent Department  
P.O. Box 4000  
Princeton, NJ 08543-4000  
609-252-3953

  
\_\_\_\_\_  
Christopher A. Klein  
Senior Patent Counsel  
Reg. No. 34,363



CASE CT2614 NP

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Alexandria, VA 22313-1450

FEE LETTER

Sir:

Enclosed herewith is a Terminal Disclaimer in the above-identified application.

The Commissioner is hereby authorized to charge the \$110 fee under 37 CFR §1.20(d) and any additional fees that may be required to Deposit Account No. 19-3880 in the name of Bristol-Myers Squibb Company. An additional copy of this paper is here enclosed.

Respectfully submitted,

Christopher A. Klein  
Senior Patent Counsel  
Reg. No. 34,363

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